

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**CORNELIUS BURNS,**

**Defendant.**

**No. 13-CR-30092-DRH**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

Now before the Court is Burns' request for appointed counsel contained in a motion to reduce sentence (Doc. 110). Specifically, Burns would like counsel appointed to help him regarding his motion to reduce sentence for the proposed drug amendment 782.

The right to appointed counsel does not extend to proceedings under § 3582(c)(2). *United States v. Foster*, 706 F.3d 887 (7<sup>th</sup> Cir. 2013)(Prisoners who seek lower sentences following retroactive changes to the Guidelines do not receive counsel at public expense.) *United States v. Forman*, 553 F.3d 585, 590 (7<sup>th</sup> Cir. 2009); *United States v. Tidwell*, 178 F.3d 946, 949 (7<sup>th</sup> Cir. 1999); *United States v. Kelly*, 307 Fed.Appx. 1 (7<sup>th</sup> Cir. 2009)(Refusal to appoint counsel and to

conduct hearing on motion or resentencing based on amendment to United States Sentencing Guidelines was not abuse of discretion.). Thus, the Court **DENIES** the request for appointed counsel.

**IT IS SO ORDERED.**

Signed this 30th day of October, 2014.

  David R. Herndon  
2014.10.30  
14:23:10 -05'00'

**United States District Judge**